

Notes from Consultation Meetings related to Sacred Sites, Treaty Rights and the Black Hills

Crow Nation:

Concern about the identification of cultural sites and the impacts the contamination will have. How can the EPA prevent contamination from ruining cultural sites? What steps is the EPA taking to contain contamination.

Mentioned the Ross ISR site in WY. Cultural sites were damaged. There needs to be Tribal monitors on the site during construction to help identify sites of cultural importance so they are not destroyed. Emphasized importance of the monitors needing to be someone from a tribe, because they are uniquely qualified to make an evaluation *on site* and take care of it appropriately. They are able to identify sites that non-Native American archaeologists might miss. The tribal monitor must be given the authority to stop work immediately when construction activities reveal a site of cultural importance. Because the Sioux Tribes did not get to do a survey, the potential to find sites not identified before start of work is great, so role of tribal monitors at the site is important.

Two main concerns:

- 1) Groundwater contamination: how will the UIC permits prevent it and what will they require if there is contamination. He would like to declare the groundwater to be a cultural resource under the NHPA. It actually is. There are a number of ceremonies and cures that involve water. Earth Wind Fire and Water are the four sacred elements.
- 2) How will cultural sites be protected?

Fort Belknap Tribes:

Expressed concern over the adequacy of the NRC archaeological survey. Tribal cultural resources were not all identified during the previous surveys.

We want to know if there were treaty rights in the permit area that allowed both historic and present-day hunting.

We want to know historical and cultural use (past & present).. fasting areas – other sites of cultural considerations within this area.. not exclusive to higher points.

Will there be 150' horizontal buffer zone around any cultural site?

Table 1.0 in Appendix B to the Programmatic Agreement states that the BLM requires a 200 ft. avoidance buffer around the site boundary. It is not clear in the PA if this buffer will also be used for sites on private land not subject to BML requirements.

Will the “plow-zone” depth of 18 to 24” be examined for cultural artifacts? The PA does not address depth. During the construction phase, it is important to identify a plow zone – 18-24” into the ground– We concerned about any ground disturbance, then archeological interest of items potentially below that plow zone – evidence of long-establishment. Concerned about anything below the plow zone (section of land plowed – surface archeological may be gone)

The Northern Arapaho Tribe expressed specific items in the NRC Programmatic Agreement to illustrate how proper procedures were not being followed to identify and properly handle cultural sites.

The fact that Native Americans are being left out of this process is clear from the terminology used on the PA and how traditional cultural properties are addressed.

Ponca Tribe of NE

What is the worth of uranium compares with water, animals, plants that have sustained us? How many human lives, wildlife, sacred sites is uranium worth?

Treaty Rights topic: are there any historical or present day hunting grounds: where are they or may be in this area?

If a site becomes contaminated and can longer be accessed, even if it is on private lands, for cultural, practical use and religious use. There may be an agreement between tribal members and the private land owner to use the site for ceremonies or to gather plants for ceremonial or medicinal use. If contamination is released, their agreements/rights in these areas are pointless.

With Prairie Island Indian Community Shakopee Mdewakanton Sioux Community and Upper Sioux Community

Will Pe Sla (a sacred area) be affected by activity at Dewey-Burdock?

Stand Rock Sioux Tribe

Is the EPA aware of the Fort Laramie Treaty of 1868 and the land that belonged to the Great Sioux Nation at that time? The Dewey-Burdock site is located in this area. A map of the 1868 Treaty area should be included in the EPA presentation.

The whole Black Hills is a sacred area. The Dewey-Burdock site cannot be separated out. EPA cannot say the impacts will be only at the Dewey-Burdock site. The whole Black Hills area is impacted by the Dewey-Burdock Site.

The EPA stating that they have knowledge of how the Black Hills is sacred to the Sioux Tribes is not the same as saying you have understanding of the meaning of the Black Hills to the Sioux Tribes. The EPA needs to keep that difference in mind as they move forward with the decision-making process.

Water is sacred to many tribal ceremonies. We are concerned about the impacts to surface water and groundwater.